



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/160208

PRELIMINARY RECITALS

Pursuant to a petition filed August 25, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Racine County Department of Human Services in regard to Medical Assistance, a hearing was held on September 25, 2014, at Racine, Wisconsin.

The issue for determination is whether the agency correctly determined that Petitioner was eligible for Medical Assistance (MA) with a deductible amount of \$8,689.98.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Rhonda Kramer

Racine County Department of Human Services
1717 Taylor Ave
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:

Corinne Balter

Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Racine County.
2. Petitioner's household size is 2.
3. Petitioner's monthly gross income is \$2059.90 consisting of SSDI for Petitioner in the amount of \$1358.90 and SSDI for Petitioner's wife in the amount of \$701.

4. On August 5, 2014 Petitioner contacted the agency to apply for QMB. The agency saw that both Petitioner and his wife were disabled, and the agency also processed the application for Medical Assistance. Petitioner was already open for medical assistance with a deductible amount from 02/01/14 through 07/31/2014. The agency then calculated the deductible for the next six months.
5. On August 6, 2014 the agency sent Petitioner a notice stating that he and his wife qualified for Medical Assistance with a deductible amount of \$8,689.98.
6. On August 27, 2014 the Division of Hearings and Appeals received Petitioner's request for fair hearing.

DISCUSSION

Medical Assistance (MA) is a state-federal program designed to pay for medical coverage for low income persons. To qualify for MA, a person must be both nonfinancially and financially eligible. There is no dispute that the petitioner is nonfinancially eligible (*e.g.*, disabled). To be financially eligible, a person must have assets that are under the program's asset limit, and income that is under the appropriate income limit. Where, as it appeared here, the recipient's income is over the income limit, an MA deductible must be satisfied before MA eligibility begins. Wis. Stat. §49.47(4)(c); Wis. Admin. Code § DHS 103.08(2); *MA Eligibility Handbook (MEH)*, Appendix 24.1, at <http://www.emhandbooks.wi.gov/meh-ebd/>. MA deductibles are calculated for six-month periods. To calculate the deductible, the "medically needy" income amount is subtracted from the household's income (less a \$20 unearned income disregard), and the remainder is multiplied by six.

The agency correctly believed that the petitioner was a household of two people, so it used the relevant income limits for that household size. *E.g.*, \$591.67 for MA certification. *MEH*, 39.4. Because the petitioner's income was over the limit, the agency correctly determined that he must satisfy a deductible before her MA coverage can be resumed. The deductible should be approximately \$8,689.38 for six months.

The petitioner does not contest the amounts of Social Security Disability income used by the agency. Rather, he explained that she has a very hard time getting by under her current combination of benefits. He further stated that his wife has dental problems, and that she cannot afford to go to the dentist. I cannot waive the income limits and program rules that apply here. The agency followed those rules and correctly calculated Petitioner's deductible.

Petitioner also applied for QMB. The agency denied Petitioner's QMB application because his monthly gross income was over the program income limits. In addition, Petitioner disputed the amount of his monthly FS benefits. These issues are discussed in two separate opinions.

CONCLUSIONS OF LAW

The agency correctly determined that Petitioner was eligible for MA with a deductible amount of \$8,689.98.

THEREFORE, it is

ORDERED

That the Petition is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

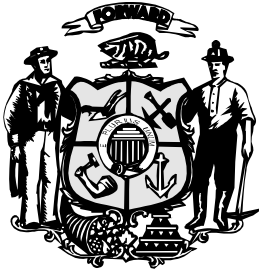
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 1st day of October, 2014

\sCorinne Balter
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 1, 2014.

Racine County Department of Human Services
Division of Health Care Access and Accountability